

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 37175
Docket No. SG-37592
04-3-02-3-709**

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (
(Brotherhood of Railroad Signalmen
(National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Amtrak (NRPC):

Claim on behalf of R. A. Salois, for eight hours at his straight time rate of pay for January 16, 2001, account Carrier violated the current Signalmen's Agreement, particularly Rule 20, when it failed to properly compensate the Claimant for a 40 hour work week after his job was abolished on January 15, 2001, at New London, Connecticut, and he was forced to displace a junior employee effective January 17, 2001. Carrier's File No. NEC-BRS(N)-SD-937. General Chairman's File No. 19-01. BRS File Case No. 12204”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The Claimant was assigned to a position advertised to work eight hours per day, Monday through Friday. The Carrier gave the Claimant proper notice that his position would be abolished effective at the end of the workday on Monday, January 15, 2001. The Claimant exercised seniority to a position advertised to work eight hours per day, Wednesday through Sunday. The Claimant commenced working that position on Wednesday, January 17, 2001. The instant claim seeks compensation for Tuesday, January 16, 2001.

Both the position that was abolished and the position to which the Claimant exercised seniority complied with Rule 20's requirement that they have five work days of eight hours each plus two consecutive rest days. Thus, the Carrier did not violate Rule 20. See Third Division Award 20606. The claim must be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 28th day of September 2004.